

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

Francisco Almeida Leon, Wanda Cruz Quiles, their
Conjugal Partnership and Juan Almeida León

Plaintiffs

vs.

WM Capital Management, Inc.; Juan Del Pueblo,
Inc.; Fulano De Tal; and Others

Defendants

Case No. 16-1394 (JAW)

Re: State Court Case KAC2016-0027(806)

Breach of Contract, Damages,
Redemption by Co-owner, etc.

Trial by Jury Demanded

MOTION INFORMING COMPLIANCE WITH PRE TRO ORDER NEVER ANNULLED

COME NOW, all plaintiffs and involuntary plaintiff, through their respective legal representatives and hereby respectfully in compliance with Orders at dockets 509 and 510, and in compliance with State Court Order notified on September 7, 2021, state the appearing parties have acted in good faith in compliance with both orders, and to that effect state, inform and move as follows:.

1. On **September 7, 2021** the Superior Court of Puerto Rico Ordered the appearing parties herein to respond to WM Capital's Request for Reconsideration, within fifteen days. This Court's TRO was issued and notified to the appearing parties on **September 15, 2021**.

2. This Court's **TRO did not annul previous, valid, existing and binding orders**, nor totally stayed the State Court process in case KCD2009-0708.

3. A pre TRO valid, existing and binding State Court Order must be complied with, and it was complied with, as well as this Court's Order to respond to the TRO in dockets 509 and 510, as it was timely and properly complied.

4. This Court's TRO has not been construed and taken as divesting the appearing parties of their right to due process and first amendment rights as each court commands actions be performed within its actual

jurisdiction.

5. The TRO did not totally stay the judicial process in case KCD2009-0708, did not prohibit any filings therein, **did not order the case to proceed EX PARTE**, with only and exclusively WM Capital being able to make filings and statements. The TRO did not prohibit the appearing parties herein to make any filings in case KCD2009-0708 or any other any case while allowing WM Capital to continue the process ex parte. This Court's TRO did not deprive plaintiffs of their right to due process, and that has never been the Court's intention as we understand it.

6. Provided that WM Capital's interprets the TRO as prohibiting the appearing parties to file any documents and/or comply with previous, valid, existing and binding orders of the State Court, and future orders, the appearing parties **shall request the State Court to stay all proceedings** in case KCD2009-0708 forthwith until the matter of the TRO and permanent injunction is resolved. This is the only remedy that would guarantee the appearing parties constitutional right to a meaningful post judgment due process of law in which to adequately exercise their First Amendment rights.

WHEREFORE it is respectfully requested from this Honorable Court to:

- a) take notice of what is herein informed;
- b) decree that compliance with an existing valid and binding prior State Court Order is not breach of the TRO;
- c) Deny docket 515;
- d) Alternatively, if complying with State Court Order of September 7, 2021(pre TRO) is deemed to be in breach of the TRO, to so decree and clarify, and the filed motion will be expunged, until such time as the matter of **CONTRADICTIONARY FINAL JUDGMENTS** of November 7, 2011, October 10, 2011 and this Court's Judgment of June 2021 is finally resolved, as well as the other issues such as Public Order, Full Faith and

Credit, mortgage foreclosure minimum bid, among others;

d) Alternatively to totally stay case KCD2009-0708 as such is the ONLY measure that would preserve the **STATUS QUO** and protect the rights of ALL parties.

f) enter such order, or statement as may be appropriate in law, jurisdiction, constitution and equity.

RESPECTFULLY SUBMITTED.

The undersigned hereby certify that on this same date has electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to all interested parties of record.

In San Juan, Puerto Rico, this 23d day of September of 2021.

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